

**A RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA MUNICIPAL COURT, TO COLLECT STATE MANDATED SURCHARGES PURSUANT TO O.C.G.A. 15-21-179 (DRIVERS EDUCATION AND TRAINING FUND-JOSHUA'S LAW); O.C.G.A. 40-6-391 (D.U.I. PHOTO PUBLICATION FEE); O.C.G.A. 15-21-140 (BRAIN AND SPINAL INJURY TRUST FUND); O.C.G.A. 17-15-13 (CRIME VICTIMS EMERGENCY FUND); O.C.G.A. 15-21-2 (DEPARTMENT OF PUBLIC SAFETY- MOTORCYCLE UNIT); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta Municipal Court ("City") must comply with state law, O.C.G.A. 15-21-179, which requires Georgia courts to impose a 5% surcharge on all traffic fines and/or bond payments to be paid into the States Drivers Education and Training Fund; and

**WHEREAS**, the City must comply with state law, O.C.G.A. 40-6-391, which requires Georgia courts to publish a notice of conviction and photograph of each person convicted of driving under the influence of alcohol or drugs for a second or subsequent time, in the legal organ of the county in which the convicted person resides, and that the court will assess a \$25.00 surcharge to cover the cost of such publication; and

**WHEREAS**, the City must comply with state law, O.C.G.A. 15-21-140, which requires Georgia courts to impose a 10% surcharge on all fines for violations relating to driving under the influence of alcohol or drugs, and further provides that such proceeds be used for the purpose of meeting the costs of care and rehabilitative services for certain Georgia citizens with brain or spinal cord injuries; and

**WHEREAS**, the City must comply with state law, O.C.G.A. 17-15-13, which requires Georgia courts to collect a \$9.00 surcharge from all individuals serving under active probation supervision and who pay a supervision fee, and the statute further requires that said funds be paid to the Georgia Crime Victims Emergency Fund; and

**WHEREAS**, the City must comply with state law, O.C.G.A. 15-21-2, which requires Georgia courts to remit to the Department of Public Safety ("Department") "any fines, after costs, imposed for violation of any traffic offense provided in or authorized by Chapter 6 of Title 40 on an urban interstate system, if the arrest or citation in such case was made or issued by a member of the Uniform Division of the Department's motorcycle enforcement unit, in which case such funds shall be remitted to Department and such funds shall be used for the maintenance and enhancement of the Department's motorcycle enforcement program"; and

**WHEREAS**, the City must collect the surcharges as set forth in the aforesaid statutes in order to be complaint with state law.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor be and is hereby authorized to, on behalf of the City of Atlanta Municipal Court, to collect state mandated surcharges pursuant to O.C.G.A. 15-21-179 (Drivers Education and training fund-Joshua's law); O.C.G.A. 40-6-391 (D.U.I. Photo Publication Fee); O.C.G.A. 15-21-140 (Brain and spinal injury trust fund); O.C.G.A. 17-15-13 (Crime Victims Emergency Fund); and O.C.G.A. 15-21-2 (Department of Public Safety – Motorcycle Unit).

**BE IT FURTHER RESOLVED**, that all funds collected pursuant to O.C.G.A. 15-21-179 (Drivers Education and training fund-Joshua's law) shall be posted to Fund, Account, and Center Number 3P01 451201 S11Y04189999.

**BE IT FURTHER RESOLVED**, that all funds collected pursuant to O.C.G.A. 40-6-391 (D.U.I. Photo Publication Fee) shall be posted to Fund, Account, and Center Number 3P01 451206 S11Y0419999.

**BE IT FURTHER RESOLVED**, that all funds collected pursuant to O.C.G.A. 15-21-140 (Brain and spinal injury trust fund) shall be posted to Fund, Account, and Center Number 3P01 451206 S11Y04209999.

**BE IT FURTHER RESOLVED**, that all funds collected pursuant to O.C.G.A. 17-15-13 (Crime Victims Emergency Fund) shall be posted to Fund, Account, and Center Number 3P01 451201 S11Y04219999.

**BE IT FINALLY RESOLVED**, that all funds collected pursuant to O.C.G.A. 15-21-2 (Department of Public Safety – Motorcycle Unit) shall be posted to Fund, Account, and Center Number 3P01 451204 S11Y04229999.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): TERRY GRANDISON



Contact

Number: 6946

Originating Department: Courts

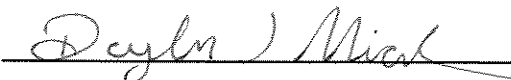
Committee(s) of Purview: Public Safety and Legal Administration Committee

Council

Deadline: 8/28/06

Committee Meeting Date(s): 9/12-9/13 Full Council Date: 9/18/06

Commissioner Signature



CAPTION

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FINANCIAL IMPACT (if any): 5% surcharge on all traffic fines for Drivers Education  
\$25.00 surcharge for second or subsequent DUI  
10% surcharge on all DUI fines for care & rehabilitation  
\$9.00 surcharge probation supervision fee

Mayor's Staff Only

Received by Mayor's Office:

8.29.06  
(date)

Reviewed by:

[Signature]  
(date)

Submitted to Council:

9/1/06  
(date)